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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/069,004

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Takashi Aramaki

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STEVENS DAVIS MILLER & MOSHER, LLP
1615 L STREET, NW
SUITE 850
WASHINGTON, DC 20036

EXAMINER

NGO, NGUYEN HOANG

ART UNIT

PAPER NUMBER

2616

DATE MAILED: 07/13/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/069,004

Applicant(s)

ARAMAKI, TAKASHI

Examiner

Nguyen Ngo

Art Unit

2663

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 March 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 12-26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 21 and 22 is/are allowed.
- 6) ☒ Claim(s) 12, 13, 17-20, 23 and 24 is/are rejected.
- 7) ☒ Claim(s) 14-16, 25 and 26 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

This communication is in response to the amendment of 3/1/2006. All changes made to the Claims have been entered. Accordingly, Claims 12-26 are currently pending in the application.

Claim Rejections - 35 USC § 112

1. Claims 13-18, 20, and 22 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
2. Regarding these claims, the phrase "the radio apparatus" is unclear in that it doesn't distinctly show which radio apparatus of the independent claims it is referring to.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 12, 17, 18, 19, and 23 are rejected under 35 U.S.C. 102(e) as being anticipated by Hansson et al. (US 2002/0012352), hereinafter referred to as Hansson.

Regarding claim 12, 17, 18, and 23 Hansson discloses of telecommunications platforms including base station nodes of a cellular telecommunication system (radio apparatus (base station) that communicated with another radio apparatus (cellular endpoints), page7 [0082]). Hansson further discloses;

of an IP interface of the platform/base station that receives Internet protocol traffic and forwards it to one of the main processors (an interface section that identifies a first IGMP message contained in a first IP packet, page3 [0038]).

of encapsulating IP packets into AAL5 SDUs (page 2 [0013]) and that the IP over ATM entity comprises a functionality for mapping IP packets into ATM cells (IGMP processing section that maps a subset of the identified first IGMP message into a first fixed-length short packet (ATM cell), page 7 [0073] – [0074]).

It should be noted that the recitation of using a fixed-length packet and a fixed-length short packet, which is shorter than the fixed-length packet, has not been given patentable weight because the recitation occurs in the preamble. A preamble is generally not accorded any patentable weight where it merely recites the purpose of a process or the intended use of a structure, and where the body of the claim does not depend on the preamble for completeness but, instead, the process steps or structural limitations are able to stand alone. See *In re Hirao*, 535 F.2d 67, 190 USPQ 15 (CCPA 1976) and *Kropa v. Robie*, 187 F.2d 150, 152, 88 USPQ 478, 481 (CCPA 1951).

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Regarding claim 19, Hansson discloses of telecommunications platforms including base station nodes of a cellular telecommunication system (a radio communication system (telecommunication system) having a base station (platform) that control radio resource allocation (data transmission), page7 [0082]). Hansson further discloses;

of an IP interface of the platform/base station that receives Internet protocol traffic and forwards it to one of the main processors (an interface section that identifies a first IGMP message contained in a first IP packet, page3 [0038]).

of encapsulating IP packets into AAL5 SDUs (page 2 [0013]) and that the IP over ATM entity comprises a functionality for mapping IP packets into ATM cells (IGMP processing section that maps a subset of the identified first IGMP message into a first fixed-length short packet (ATM cell), page 7 [0073] – [0074]).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.

4. Considering objective evidence present in the application indicating obviousness or nonobviousness.
5. Claim 13, 20, and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hansson et al. (US 2002/0012352), in view of Miyao et al. (US 588977), hereinafter referred to as Hansson and Miyao.

Regarding claim 13, 20, and 24 Hanson fails to specifically disclose having the IGMP processing section remove a check sum field from the identified first IGMP message and map the rest of the identified first IGMP message into the first fixed-length short packet. Hanson however discloses the functionality for transporting IP packets over a ATM network using the AAL5 layer (page1 [0013]), thus providing the motivation to efficiently transport IP data over a ATM layer.

Miyao further discloses encapsulating existing protocol data (IP data) into ATM protocol data by removing the Frame check sequence field used for error detection (removes a check sum field, col4 lines 54-65). It would thus be obvious to a person skilled in the art to incorporate the concept of removing a check sum field as disclosed by Miyao into the apparatus of an internet protocol handler for a base station as disclosed by Hanson in order to efficiently transport IP packers over a ATM network.

Allowable Subject Matter

6. Claims 21-22 are allowed.

7. These claims are allowable due to the limitation of communicating with another radio apparatus using a fixed-length packet and a fixed-length short packet, which is shorter than the fixed-length packet.

8. Claims 14, 15, 16, 25, and 26 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

a) Momirov (US 6484209), Efficient Path Based Forwarding And Multicast Forwarding.

b) Gershon et al. (US 6563830), Multicast Registration Of All Multicast Flows In An Asynchronous Transfer Mode Based Emulated LAN.

c) Okanoue (US 6477149), Network System And Method Of Controlling Multicast Group Participation Of Mobile Host.

d) Higuchi et al. (US 7012931), Multicast Communication Method.

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10. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nguyen Ngo whose telephone number is (571) 272-8398. The examiner can normally be reached on Monday-Friday 7am - 3:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ricky Ngo can be reached on (571) 272-3139. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

NN

Nguyen Ngo

United States Patent & Trademark Office
Patent Examiner AU 2663
(571) 272-8398



RICKY Q. NGO
SUPERVISORY PATENT EXAMINER